

Appln. No.: 10/672,321
RCE and Amendment dated November 7, 2005
In Reply to Advisory Action of October 28, 2005

REMARKS

Amendments to the Claims

Claim 1 has been amended to modify the text "without requiring the use of a script" to read "and wherein the set top box passes commands sent from a remote second location to the at least one home appliance." Support for the amendment may be found, for example, in paragraphs [40], [50], and [52]. The Applicants respectfully submit that this amendment does not add new matter.

Claim 2 has been amended to conform antecedent basis with claim 1. The Applicants respectfully submit that this amendment does not add new matter.

Claim 15 has been amended to modify the text "the second system at a second location" to read "the second system at a remote second location", and to modify the text "wherein control of the at least one home appliance is accomplished without requiring the use of a script" to read "wherein commands are sent from the first location to the at least one home appliance at the second location, via a wide area communication network." Support for the amendments may be found, for example, in paragraphs [29], [40], [50], [52], and [91]. The Applicants respectfully submit that this amendment does not add new matter.

Claim 29 has been amended to correct antecedent basis. The Applicants respectfully submit that this amendment does not add new matter.

Rejections of Claims

Claims 1-30 are pending in the application. Claims 1-28 were originally filed on September 26, 2003, and were rejected in an Office action mailed February 24, 2005. A Response filed May 19, 2005 to the Office action of February 24, 2005 added new claims 29 and 30. Claims 1-30 were rejected in a final Office action mailed August 5, 2005. A Response was filed October 4, 2005, and an Advisory Action that maintained rejection of all claims in the Application was mailed October 28, 2005. Claims 1 and 15 are independent claims. Claims 2-14, 29, and 30 depend from independent claim 1, and claims 16-28 depend from independent claim 15. The Applicants request reconsideration of the pending claims 1-30, in light of the following remarks.

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Rejections Under 35 U.S.C. §102(e)

Claims 1, 2, 6, and 10-13 were rejected under 35 U.S.C. 102(e) as being anticipated by Ficco et al [PG Pub No. US 2002/0035404 A1, hereinafter "Ficco"]. The Applicants respectfully traverse the rejection. However, in an effort to advance the Application towards allowance, the Applicants have amended claim 1 as set forth above.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding claim 1 as amended, Applicants respectfully submit that Ficco does not teach, suggest, or disclose, for example, a system supporting access, monitoring, and control of appliances, the system comprising a set top box at a first location; at least one home appliance at the first location; and a local area network operationally coupling the set top box to the at least one home appliance, via a wired or wireless connection, to allow access, monitoring, and control of the at least one home appliance, and wherein the set top box passes commands sent from a remote second location to the at least one home appliance. Ficco does not teach, suggest, or disclose the sending of commands from a remote location to a home appliance. Instead, Ficco teaches a script stored in the set top box by a user or a 3rd party. The script is triggered through various means, and the set top box sends commands to the home appliance, based upon the stored script. (see, e.g., Abstract, paras. [0036], [0037], [0041]-[0043]) The use of a script, as disclosed in the Ficco reference, disadvantageously requires preparation and storage of a script comprising the desired actions, in advance of the actual desire to control a device. (see e.g., Abstract, para. [0041], and paras. [0129] – [0131]) Applicants' invention differs from Ficco in that it permits remote control of a home appliance without such advanced preparation of a script, and offers the advantage of simplified operation and greater flexibility.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that Ficco is different from and fails to anticipate the Applicants' invention as set forth in amended claim 1. Applicants believe that claim 1 is allowable over Ficco. Because claims 2-14, 29 and 30 are dependent upon claim 1, Ficco is different from and fails to anticipate claims 2-14, 29 and

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30 as well. Therefore, claims 2-14, 29 and 30 are also allowable over the Ficco reference. The Applicants respectfully request that the rejection of claims 1, 2, 6, and 10-13 under 35 U.S.C. §102(e), be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claims 3-5, and 7-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al ("Ficco") as applied to the claims above and further in view of Sagar [PG Pub No. US 2003/0061077 A1, hereinafter "Sagar"]. The Applicants respectfully traverse the rejection.

With regard to an obviousness rejection, MPEP 2142 states that in order for a prima facie case of obviousness to be established, three basic criteria must be met, one of which is that the reference or combination of references must teach or suggest all the claim limitations. Further, MPEP 2143.01 states that "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination", and that "although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so'" (citing *In re Mills*, 916 F. 2d 680, 16 USPQ 2d 1430 (Fed Cir. 1990)). Moreover, MPEP 2143.01 also states that the level of ordinary skill in the art cannot be relied upon to provide the suggestion..., citing *Al-Site Corp. v. VSI Int'l Inc.*, 174 F. 3d 1308, 50 USPQ 2d. 1161 (Fed Cir. 1999).

Applicants respectfully submit that claims 3-5 and 7-9 depend directly or indirectly from independent claim 1. Applicants believe that independent claim 1 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Ficco. Because claims 3-5 and 7-9 depend from claim 1, the Applicants respectfully submit that dependent claims 3-5 and 7-9 are allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 1. Therefore, the Applicants respectfully request that the rejection of claims 3-5 and 7-9 under 35 U.S.C. 103(a) be withdrawn.

Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al ("Ficco") as applied to the claims above and further in view of Edson [U.S. Patent No. 6526581, hereinafter "Edson"]. The Applicants respectfully traverse the rejection. Applicants respectfully

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submit that claim 14 depends from independent claim 1. Applicants believe that independent claim 1 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Ficco. Because claim 14 depends from claim 1, the Applicants respectfully submit that dependent claim 14 is allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 1. Therefore, the Applicants respectfully request that the rejection of claim 14 under 35 U.S.C. 103(a) be withdrawn.

Claims 15-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al ("Ficco") as applied to the claims above, further in view of Van Der Muelen [PG Pub No. US 2003/0061615 A1, hereinafter "Van Der Muelen"] and in even further view of Lee et al [PG Pub No. US 2003/0182412, hereinafter "Lee"]. The Applicants respectfully traverse the rejection. However, in an effort to advance the Application towards allowance, the Applicants have amended claim 15 as set forth above. Regarding amended claim 15, the Applicants respectfully submits that the proposed combination of references, taken as a whole, does not teach, suggest, or disclose, for example, a method of providing access, monitoring, and control of appliances via a communication network, the method comprising identifying by a first system, at a first location, at least one home appliance communicatively coupled to a second system, the second system at a second location; establishing a communication link between the first system and the at least one home appliance via the communication network; verifying authorization for control of the at least one home appliance by the first system; communicating, from the first system, at least one command to the at least one home appliance via the communication network, if the verifying is successful; refraining from communicating at least one command to the at least one home appliance via the communication network, if the verifying is not successful; receiving, at the first system, at least one response from the at least one home appliance, if a command was communicated; and wherein commands are sent from the first location to the at least one home appliance at the second location, via a wide area communication network. For example, the proposed combination of references does not teach, suggest, or disclose the sending of commands from a first location to at least one home appliance at a second location, via a wide area communication network. Instead, Ficco teaches commands sent to home appliances by an STB from a stored script in the STB upon receipt of a trigger. (see, e.g., Abstract, para. [0132]) Instead,

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Van Der Meulen teaches receipt of commands by intelligent appliances in a home network. (see, e.g., para. [0006]) Van Der Meulen fails to teach, suggest, or disclose any situation where commands are sent from a first location to a home appliance at a second location, via a wide area communication network. Lee teaches a passive home appliance being controlled according to control commands sent over an internal network. (see, e.g., Abstract, para. [0013]) Lee also fails to teach, suggest, or disclose where commands are sent from a first location to a home appliance at a second location, via a wide area communication network. Therefore, the proposed combination of references does not teach, suggest, or disclose the sending of commands from a first location to at least one home appliance at a second location, via a wide area communication network.

In addition, the proposed combination of references fails to teach, suggest, or disclose verifying authorization for control of the at least one home appliance by the first system. Instead, Van Der Meulen teaches the encryption of a login name and password provided by a remote user. (see, e.g., para. [0016]) Authorizing a user using a user login and password, however, is different from authorizing control of a home appliance by a system. Although a user may possess the necessary credentials (e.g., login and password), the system employed by the user may not be permitted to engage in control of the home appliance. Ficco and Lee are silent with respect to verifying authorization for control of a home appliance by a system. Therefore, the proposed combination of references fails to teach, suggest, or disclose verifying authorization for control of the at least one home appliance by the first system. The Applicants respectfully submit that the proposed combination of references fails to teach or suggest all the limitations of claim 15 of the Application.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that the Applicants' invention as set forth in amended claim 15 is allowable over the proposed combination of references. Because claims 16-28 depend either directly or indirectly from independent claim 15, the Applicants respectfully submit that claims 16-28 are allowable, as well. The Applicants respectfully request that the rejection of claims 15-28 under 35 U.S.C. §103(a), be withdrawn.

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Rejections Under 35 U.S.C. §112, first paragraph

Claims 1-30 as present in the amendment filed May 23, 2005 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Applicants respectfully traverse the rejection. However, in an effort to move the Application towards allowance, the Applicants have amended claims 1 and 15, as set forth above. The Applicants respectfully submit that amended claims 1 and 15 comply with the requirements of 35 U.S.C. §112, first paragraph, and therefore respectfully request that the rejection of claims 1 and 15 under 35 U.S.C. §112, first paragraph, be withdrawn.

Conclusion

The Applicants believe that all of claims 1-30 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

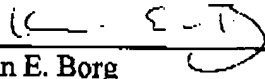
A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

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